

**Introduced by Senator Negrete McLeod**

February 24, 2012

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An act to amend Section 4996.18 of, and to amend and repeal Section 4996.17 of, the Business and Professions Code, relating to social workers.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1527, as introduced, Negrete McLeod. Social workers: licensing.

Existing law, the Clinical Social Worker Practice Act, provides for the licensure and regulation of social workers by the Board of Behavioral Sciences. Existing law requires the board to issue a clinical social worker license to each applicant from another state who satisfies specified educational and other requirements and successfully passes examinations administered by the board.

This bill would add the requirement that, commencing January 1, 2013, in order for the board to issue a clinical social worker license to an applicant from another state, the applicant shall also complete an 18-hour course in California law and professional ethics, as specified. The bill would repeal related provisions made obsolete by the repeal of Section 4996.1 of the Business and Professions Code, as added by Section 4 of AB 2167 of the 2009–10 Regular Session.

Existing law requires a person who wishes to be credited with experience toward license requirements to register with the board as an associate clinical social worker. Existing law requires an applicant for registration to satisfy certain requirements.

This bill would add the requirement for completion of training or coursework in California law and professional ethics, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4996.17 of the Business and Professions Code, as amended by Section 53.5 of Chapter 653 of the Statutes of 2010, is amended to read:

4996.17. (a) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes the board administered licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) *Commencing January 1, 2013, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, the federal*

*Health Insurance Portability and Accountability Act, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.*

~~(3)~~

(4) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

~~(4)~~

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

~~(5)~~

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

~~(6)~~

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid, active clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes the board administered licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

1 (A) A minimum of seven contact hours of training or coursework  
2 in child abuse assessment and reporting as specified in Section 28,  
3 and any regulations promulgated thereunder.

4 (B) A minimum of 10 contact hours of training or coursework  
5 in human sexuality as specified in Section 25, and any regulations  
6 promulgated thereunder.

7 (C) A minimum of 15 contact hours of training or coursework  
8 in alcoholism and other chemical substance dependency, as  
9 specified by regulation.

10 (D) A minimum of 15 contact hours of coursework or training  
11 in spousal or partner abuse assessment, detection, and intervention  
12 strategies.

13 (2) *Commencing January 1, 2013, completion of an 18-hour*  
14 *course in California law and professional ethics. The content of*  
15 *the course shall include, but not be limited to, the following:*  
16 *advertising, scope of practice, scope of competence, treatment of*  
17 *minors, confidentiality, dangerous patients, psychotherapist-patient*  
18 *privilege, recordkeeping, patient access to records, the federal*  
19 *Health Insurance Portability and Accountability Act, dual*  
20 *relationships, child abuse, elder and dependent adult abuse, online*  
21 *therapy, insurance reimbursement, civil liability, disciplinary*  
22 *actions and unprofessional conduct, ethics complaints and ethical*  
23 *standards, termination of therapy, standards of care, relevant*  
24 *family law, therapist disclosures to patients, differences in legal*  
25 *and ethical standards in different types of work settings, and*  
26 *licensing law and process.*

27 ~~(2)~~

28 (3) The applicant has been licensed as a clinical social worker  
29 continuously for a minimum of four years prior to the date of  
30 application.

31 ~~(3)~~

32 (4) The applicant's license is not suspended, revoked, restricted,  
33 sanctioned, or voluntarily surrendered in any state.

34 ~~(4)~~

35 (5) The applicant is not currently under investigation in any  
36 other state, and has not been charged with an offense for any act  
37 substantially related to the practice of social work by any public  
38 agency, entered into any consent agreement or been subject to an  
39 administrative decision that contains conditions placed by an  
40 agency upon an applicant's professional conduct or practice,

1 including any voluntary surrender of license, or been the subject  
2 of an adverse judgment resulting from the practice of social work  
3 that the board determines constitutes evidence of a pattern of  
4 incompetence or negligence.

5 (5)

6 (6) The applicant provides a certification from each state where  
7 he or she holds a license pertaining to licensure, disciplinary action,  
8 and complaints pending.

9 (6)

10 (7) The applicant is not subject to denial of licensure under  
11 Section 480, 4992.3, 4992.35, or 4992.36.

12 ~~(d) This section shall become inoperative on the date that Section~~  
13 ~~4996.1, as added by Section 4 of Assembly Bill No. 2167 of the~~  
14 ~~2009-10 Regular Session, becomes operative.~~

15 ~~(e) This section is repealed as of the January 1 following the~~  
16 ~~date that it becomes inoperative.~~

17 SEC. 2. Section 4996.17 of the Business and Professions Code,  
18 as added by Section 10 of Chapter 546 of the Statutes of 2010, is  
19 repealed.

20 ~~4996.17. (a) Experience gained outside of California shall be~~  
21 ~~accepted toward the licensure requirements if it is substantially~~  
22 ~~the equivalent of the requirements of this chapter.~~

23 ~~(b) The board may issue a license to any person who, at the time~~  
24 ~~of application, holds a valid active clinical social work license~~  
25 ~~issued by a board of clinical social work examiners or~~  
26 ~~corresponding authority of any state, if the person passes or has~~  
27 ~~passed the examinations as specified in Section 4996.1 and pays~~  
28 ~~the required fees. Issuance of the license is conditioned upon all~~  
29 ~~of the following:~~

30 ~~(1) The applicant has supervised experience that is substantially~~  
31 ~~the equivalent of that required by this chapter. If the applicant has~~  
32 ~~less than 3,200 hours of qualifying supervised experience, time~~  
33 ~~actively licensed as a clinical social worker shall be accepted at a~~  
34 ~~rate of 100 hours per month up to a maximum of 1,200 hours.~~

35 ~~(2) Completion of the following coursework or training in or~~  
36 ~~out of this state:~~

37 ~~(A) A minimum of seven contact hours of training or coursework~~  
38 ~~in child abuse assessment and reporting as specified in Section 28,~~  
39 ~~and any regulations promulgated thereunder.~~

1     ~~(B) A minimum of 10 contact hours of training or coursework~~  
2     ~~in human sexuality as specified in Section 25, and any regulations~~  
3     ~~promulgated thereunder.~~

4     ~~(C) A minimum of 15 contact hours of training or coursework~~  
5     ~~in alcoholism and other chemical substance dependency, as~~  
6     ~~specified by regulation.~~

7     ~~(D) A minimum of 15 contact hours of coursework or training~~  
8     ~~in spousal or partner abuse assessment, detection, and intervention~~  
9     ~~strategies.~~

10    ~~(3) The applicant's license is not suspended, revoked, restricted,~~  
11    ~~sanctioned, or voluntarily surrendered in any state.~~

12    ~~(4) The applicant is not currently under investigation in any~~  
13    ~~other state, and has not been charged with an offense for any act~~  
14    ~~substantially related to the practice of social work by any public~~  
15    ~~agency, entered into any consent agreement or been subject to an~~  
16    ~~administrative decision that contains conditions placed by an~~  
17    ~~agency upon an applicant's professional conduct or practice,~~  
18    ~~including any voluntary surrender of license, or been the subject~~  
19    ~~of an adverse judgment resulting from the practice of social work~~  
20    ~~that the board determines constitutes evidence of a pattern of~~  
21    ~~incompetence or negligence.~~

22    ~~(5) The applicant shall provide a certification from each state~~  
23    ~~where he or she holds a license pertaining to licensure, disciplinary~~  
24    ~~action, and complaints pending.~~

25    ~~(6) The applicant is not subject to denial of licensure under~~  
26    ~~Section 480, 4992.3, 4992.35, or 4992.36.~~

27    ~~(e) The board may issue a license to any person who, at the time~~  
28    ~~of application, has held a valid, active clinical social work license~~  
29    ~~for a minimum of four years, issued by a board of clinical social~~  
30    ~~work examiners or a corresponding authority of any state, if the~~  
31    ~~person passes or has passed the examinations as specified in~~  
32    ~~Section 4996.1 and pays the required fees. Issuance of the license~~  
33    ~~is conditioned upon all of the following:~~

34    ~~(1) Completion of the following coursework or training in or~~  
35    ~~out of state:~~

36    ~~(A) A minimum of seven contact hours of training or coursework~~  
37    ~~in child abuse assessment and reporting as specified in Section 28,~~  
38    ~~and any regulations promulgated thereunder.~~

1 ~~(B) A minimum of 10 contact hours of training or coursework~~  
2 ~~in human sexuality as specified in Section 25, and any regulations~~  
3 ~~promulgated thereunder.~~

4 ~~(C) A minimum of 15 contact hours of training or coursework~~  
5 ~~in alcoholism and other chemical substance dependency, as~~  
6 ~~specified by regulation.~~

7 ~~(D) A minimum of 15 contact hours of coursework or training~~  
8 ~~in spousal or partner abuse assessment, detection, and intervention~~  
9 ~~strategies.~~

10 ~~(2) The applicant has been licensed as a clinical social worker~~  
11 ~~continuously for a minimum of four years prior to the date of~~  
12 ~~application.~~

13 ~~(3) The applicant's license is not suspended, revoked, restricted,~~  
14 ~~sanctioned, or voluntarily surrendered in any state.~~

15 ~~(4) The applicant is not currently under investigation in any~~  
16 ~~other state, and has not been charged with an offense for any act~~  
17 ~~substantially related to the practice of social work by any public~~  
18 ~~agency, entered into any consent agreement or been subject to an~~  
19 ~~administrative decision that contains conditions placed by an~~  
20 ~~agency upon an applicant's professional conduct or practice,~~  
21 ~~including any voluntary surrender of license, or been the subject~~  
22 ~~of an adverse judgment resulting from the practice of social work~~  
23 ~~that the board determines constitutes evidence of a pattern of~~  
24 ~~incompetence or negligence.~~

25 ~~(5) The applicant provides a certification from each state where~~  
26 ~~he or she holds a license pertaining to licensure, disciplinary action,~~  
27 ~~and complaints pending.~~

28 ~~(6) The applicant is not subject to denial of licensure under~~  
29 ~~Section 480, 4992.3, 4992.35, or 4992.36.~~

30 ~~(d) This section shall become operative on the date that Section~~  
31 ~~4996.1, as added by Section 4 of the act adding this subdivision,~~  
32 ~~becomes operative.~~

33 SEC. 3. Section 4996.17 of the Business and Professions Code,  
34 as added by Section 53.7 of Chapter 653 of the Statutes of 2010,  
35 is repealed.

36 ~~4996.17. (a) Experience gained outside of California shall be~~  
37 ~~accepted toward the licensure requirements if it is substantially~~  
38 ~~the equivalent of the requirements of this chapter.~~

39 ~~(b) The board may issue a license to any person who, at the time~~  
40 ~~of application, holds a valid active clinical social work license~~

1 issued by a board of clinical social work examiners or  
2 corresponding authority of any state, if the person passes or has  
3 passed the examinations as specified in Section 4996.1 and pays  
4 the required fees. Issuance of the license is conditioned upon all  
5 of the following:

6 (1) The applicant has supervised experience that is substantially  
7 the equivalent of that required by this chapter. If the applicant has  
8 less than 3,200 hours of qualifying supervised experience, time  
9 actively licensed as a clinical social worker shall be accepted at a  
10 rate of 100 hours per month up to a maximum of 1,200 hours.

11 (2) Completion of the following coursework or training in or  
12 out of this state:

13 (A) A minimum of seven contact hours of training or coursework  
14 in child abuse assessment and reporting as specified in Section 28;  
15 and any regulations promulgated thereunder.

16 (B) A minimum of 10 contact hours of training or coursework  
17 in human sexuality as specified in Section 25, and any regulations  
18 promulgated thereunder.

19 (C) A minimum of 15 contact hours of training or coursework  
20 in alcoholism and other chemical substance dependency, as  
21 specified by regulation.

22 (D) A minimum of 15 contact hours of coursework or training  
23 in spousal or partner abuse assessment, detection, and intervention  
24 strategies.

25 (3) The applicant's license is not suspended, revoked, restricted,  
26 sanctioned, or voluntarily surrendered in any state.

27 (4) The applicant is not currently under investigation in any  
28 other state, and has not been charged with an offense for any act  
29 substantially related to the practice of social work by any public  
30 agency, entered into any consent agreement or been subject to an  
31 administrative decision that contains conditions placed by an  
32 agency upon an applicant's professional conduct or practice,  
33 including any voluntary surrender of license, or been the subject  
34 of an adverse judgment resulting from the practice of social work  
35 that the board determines constitutes evidence of a pattern of  
36 incompetence or negligence.

37 (5) The applicant shall provide a certification from each state  
38 where he or she holds a license pertaining to licensure, disciplinary  
39 action, and complaints pending.



1     ~~(6) The applicant is not subject to denial of licensure under~~  
2     ~~Section 480, 4992.3, 4992.35, or 4992.36.~~

3     ~~(e) The board may issue a license to any person who, at the time~~  
4     ~~of application, holds a valid, active clinical social work license~~  
5     ~~issued by a board of clinical social work examiners or a~~  
6     ~~corresponding authority of any state, if the person has held that~~  
7     ~~license for at least four years immediately preceding the date of~~  
8     ~~application, the person passes or has passed the examinations as~~  
9     ~~specified in Section 4996.1, and the person pays the required fees.~~  
10    ~~Issuance of the license is conditioned upon all of the following:~~

11    ~~(1) Completion of the following coursework or training in or~~  
12    ~~out of state:~~

13    ~~(A) A minimum of seven contact hours of training or coursework~~  
14    ~~in child abuse assessment and reporting as specified in Section 28;~~  
15    ~~and any regulations promulgated thereunder.~~

16    ~~(B) A minimum of 10 contact hours of training or coursework~~  
17    ~~in human sexuality as specified in Section 25, and any regulations~~  
18    ~~promulgated thereunder.~~

19    ~~(C) A minimum of 15 contact hours of training or coursework~~  
20    ~~in alcoholism and other chemical substance dependency, as~~  
21    ~~specified by regulation.~~

22    ~~(D) A minimum of 15 contact hours of coursework or training~~  
23    ~~in spousal or partner abuse assessment, detection, and intervention~~  
24    ~~strategies.~~

25    ~~(2) The applicant has been licensed as a clinical social worker~~  
26    ~~continuously for a minimum of four years prior to the date of~~  
27    ~~application.~~

28    ~~(3) The applicant's license is not suspended, revoked, restricted,~~  
29    ~~sanctioned, or voluntarily surrendered in any state.~~

30    ~~(4) The applicant is not currently under investigation in any~~  
31    ~~other state, and has not been charged with an offense for any act~~  
32    ~~substantially related to the practice of social work by any public~~  
33    ~~agency, entered into any consent agreement or been subject to an~~  
34    ~~administrative decision that contains conditions placed by an~~  
35    ~~agency upon an applicant's professional conduct or practice,~~  
36    ~~including any voluntary surrender of license, or been the subject~~  
37    ~~of an adverse judgment resulting from the practice of social work~~  
38    ~~that the board determines constitutes evidence of a pattern of~~  
39    ~~incompetence or negligence.~~

1     ~~(5) The applicant provides a certification from each state where~~  
2     ~~he or she holds a license pertaining to licensure, disciplinary action,~~  
3     ~~and complaints pending.~~

4     ~~(6) The applicant is not subject to denial of licensure under~~  
5     ~~Section 480, 4992.3, 4992.35, or 4992.36.~~

6     ~~(d) This section shall become operative on the date that Section~~  
7     ~~4996.1, as added by Section 4 of Assembly Bill No. 2167 of the~~  
8     ~~2009-10 Regular Session, becomes operative.~~

9     SEC. 4. Section 4996.18 of the Business and Professions Code  
10    is amended to read:

11    4996.18. (a) A person who wishes to be credited with  
12    experience toward licensure requirements shall register with the  
13    board as an associate clinical social worker prior to obtaining that  
14    experience. The application shall be made on a form prescribed  
15    by the board.

16    (b) An applicant for registration shall satisfy the following  
17    requirements:

18    (1) Possess a master's degree from an accredited school or  
19    department of social work.

20    (2) Have committed no crimes or acts constituting grounds for  
21    denial of licensure under Section 480.

22    (3) *Commencing January 1, 2013, have completed training or*  
23    *coursework in California law and professional ethics for clinical*  
24    *social workers, including instruction in all of the following areas*  
25    *of study:*

26    (A) *Contemporary professional ethics and statutes, regulations,*  
27    *and court decisions that delineate the scope of practice of clinical*  
28    *social work.*

29    (B) *The therapeutic, clinical, and practical considerations*  
30    *involved in the legal and ethical practice of clinical social work,*  
31    *including, but not limited to, family law.*

32    (C) *The current legal patterns and trends in the mental health*  
33    *professions.*

34    (D) *The psychotherapist-patient privilege, confidentiality,*  
35    *dangerous patients, and the treatment of minors with and without*  
36    *parental consent.*

37    (E) *A recognition and exploration of the relationship between*  
38    *a practitioner's sense of self and human values, and his or her*  
39    *professional behavior and ethics.*

1     (F) *Differences in legal and ethical standards for different types*  
2     *of work settings.*

3     (G) *Licensing law and process.*

4     (c) An applicant who possesses a master's degree from a school  
5     or department of social work that is a candidate for accreditation  
6     by the Commission on Accreditation of the Council on Social  
7     Work Education shall be eligible, and shall be required, to register  
8     as an associate clinical social worker in order to gain experience  
9     toward licensure if the applicant has not committed any crimes or  
10    acts that constitute grounds for denial of licensure under Section  
11    480. That applicant shall not, however, be eligible for examination  
12    until the school or department of social work has received  
13    accreditation by the Commission on Accreditation of the Council  
14    on Social Work Education.

15    (d) Any experience obtained under the supervision of a spouse  
16    or relative by blood or marriage shall not be credited toward the  
17    required hours of supervised experience. Any experience obtained  
18    under the supervision of a supervisor with whom the applicant has  
19    a personal relationship that undermines the authority or  
20    effectiveness of the supervision shall not be credited toward the  
21    required hours of supervised experience.

22    (e) An applicant who possesses a master's degree from an  
23    accredited school or department of social work shall be able to  
24    apply experience the applicant obtained during the time the  
25    accredited school or department was in candidacy status by the  
26    Commission on Accreditation of the Council on Social Work  
27    Education toward the licensure requirements, if the experience  
28    meets the requirements of Section 4996.23. This subdivision shall  
29    apply retroactively to persons who possess a master's degree from  
30    an accredited school or department of social work and who  
31    obtained experience during the time the accredited school or  
32    department was in candidacy status by the Commission on  
33    Accreditation of the Council on Social Work Education.

34    (f) An applicant for registration or licensure trained in an  
35    educational institution outside the United States shall demonstrate  
36    to the satisfaction of the board that he or she possesses a master's  
37    of social work degree that is equivalent to a master's degree issued  
38    from a school or department of social work that is accredited by  
39    the Commission on Accreditation of the Council on Social Work  
40    Education. These applicants shall provide the board with a

1 comprehensive evaluation of the degree and shall provide any  
2 other documentation the board deems necessary. The board has  
3 the authority to make the final determination as to whether a degree  
4 meets all requirements, including, but not limited to, course  
5 requirements regardless of evaluation or accreditation.

6 (g) A registrant shall not provide clinical social work services  
7 to the public for a fee, monetary or otherwise, except as an  
8 employee.

9 (h) A registrant shall inform each client or patient prior to  
10 performing any professional services that he or she is unlicensed  
11 and is under the supervision of a licensed professional.

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